IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 162 OF 2004

PEDRO FERNANDES AND 8 ORS., ...Appellants

Versus

ROSARINHO MENEZES AND 9 ORS., ...Respondents

Mr. R. G. Ramani, advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 25th August, 2005

P.C.

Heard Mr. Ramani, advocate for the appellant. The trial Court held that the defendant no.5 had unauthorisedly made encroachment on the 6mt. wide access road lying between the plots no.41 and 43 of the subject property. In the backdrop of this finding the trial Court decreed the plaintiff's suit partly and directed the legal representatives of defendant no.5 (defendant no.5 had died by then and his legal representatvies were brought on record), to remove the encroachment.

The Appeal Court has confirmed the said finding. The consideration of the evidence by both the courts, trial as well appeal, is proper and cannot be said to suffer from any legal infirmity. The findings recorded by the courts below are concluded on facts. No substantial question of law arises.

The Second Appeal is dismissed in limine.

R. M. LODHA, J.